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COMMITTEES:  
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INFRASTRUCTURE

AGRICULTURE

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REPUBLICAN POLICY COMMITTEE



# Congress of the United States

House of Representatives

Washington, DC 20515-0304

June 26, 2006

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The Hon. Michael O. Leavitt  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
Hubert Humphrey Building, Room 416 G  
200 Independence Avenue, SW  
Washington, DC 20201-0001

Dear Secretary Leavitt:

First, let me thank you for extending the Medicare prescription drug program enrollment deadline and waiving the 2006 late enrollment penalty for low-income seniors and seniors who are recovering from Hurricanes Rita and Katrina.

Your work has helped millions of seniors and disabled Americans to buy life saving medications at an affordable price. As you know, several of my constituents in Cameron Parish lost their homes during Hurricane Rita. Without your help, a number of seniors in this and other Rita-damaged areas would have faced additional hardships for the rest of their lives under a late-enrollment penalty. These Rita-damaged parishes benefited from your decision to extend the deadline and waive the penalty for parishes that were included on a list that FEMA created after the previous hurricane, Hurricane Katrina.

As you know, FEMA created a similar list after Hurricane Rita. Six Rita-damaged parishes (St. Landry, Evangeline, Allen, Beauregard, Vernon, and Sabine) did not receive an extended deadline or penalty waiver because they were not included on a list FEMA created days before Hurricane Rita hit. Like the parishes on the Katrina list, FEMA also designated these six parishes as eligible for Individual Assistance. FEMA officials recently told my office that they used the same criteria when creating both lists. A copy of these FEMA Individual Assistance lists for Katrina and Rita can be found on the Internet at:

[http://www.fema.gov/news/disasters\\_state.fema?id=22](http://www.fema.gov/news/disasters_state.fema?id=22)

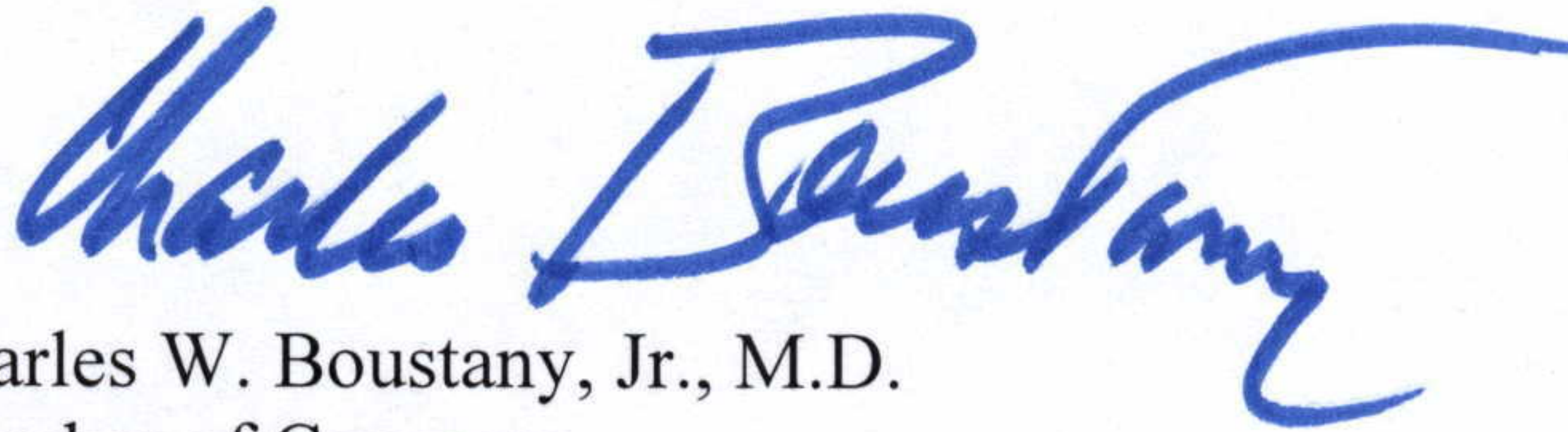
Several of my constituents have asked why a deadline extension was not also granted to these six Rita-damaged parishes. Specifically, they would like to know why HHS experts deferred to FEMA's judgment on Katrina damage but then disregarded that same judgment about damage in the six parishes on the Rita list.

Officials within HHS recently told my staff that these six parishes were excluded because of language in the Deficit Reduction Act of 2005. However, it remains unclear what section of the

law they had in mind. As you know, the Medicare Modernization Act of 2003 gave HHS the authority to extend the enrollment deadline for specific categories of individuals, and your department used this authority when it extended the deadline for parishes on the Katrina list. If your department did not apply a separate standard when considering the six Rita parishes, would it not be reasonable to waive the late enrolment penalty for these seniors as well?

Please reply in writing and indicate the specific rationale that guided your department's decision not to extend the deadline or to waive the penalty for these six parishes.

Sincerely,

A handwritten signature in blue ink, reading "Charles W. Boustany, Jr.", with a stylized flourish at the end.

Charles W. Boustany, Jr., M.D.  
Member of Congress